

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 FEB -4 AM 9:42

UNITED STATES OF AMERICA,

Plaintiff,

v.

James Gregory DAVIS

Defendant.

Magistrate Case No. \_\_\_\_\_

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section  
1324(a)(2)(B)(iii)-  
Bringing in an Illegal Alien  
Without Presentation

The undersigned complainant being duly sworn states:

On or about **February 1, 2008**, within the Southern District of California, defendant **James Gregory DAVIS**, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that an alien, namely, **Irma ROSENDO-Granados**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said alien, and upon arrival did not bring and present said alien immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Sara Esparagoza, United States Customs  
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 4<sup>th</sup> DAY OF  
**FEBRUARY, 2008.**

  
UNITED STATES MAGISTRATE JUDGE

**PROBABLE CAUSE STATEMENT**

I, United States Customs and Border Protection (CBP) Enforcement Officer Fernando Cerda, declare under penalty of perjury the following to be true and correct:

The complainant states that **Irma ROSENDO-Granados** is a citizen of a country other than the United States; that said alien has admitted she is deportable; that her testimony is material; that it is impracticable to secure her attendance at trial by subpoena; and that she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

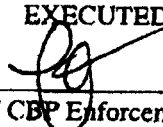
On February 01, 2008 at approximately 2:31 AM, **James Gregory DAVIS (Defendant)** made application for admission into the United States at the San Ysidro Port of Entry. Defendant was the driver and sole visible occupant of a blue 1996 Honda Civic. Upon inspection before a CBP (Customs and Border Protection) Officer, Defendant presented his state of California Driver License and declared he was a United States citizen. Defendant further gave a negative Customs declaration. Defendant claimed that the vehicle belonged to his friend; however, Defendant could not remember his friend's name. Defendant proclaimed he was going to San Diego, California. The Officer conducted a cursory inspection of the vehicle and discovered what appeared to be human feet protruding from the passenger compartment into the right lower corner of the trunk. Defendant was escorted to secondary for a more thorough inspection.

In secondary, CBP Officers discovered a female concealed under the front passenger seat. The female was lying on her back with her upper torso under the front passenger seat. Her legs extended under the rear bench seat into the trunk area through a cutout in the floor board support. The exposed portion of her body was covered with a jacket belonging to Defendant. The Officers lifted the front passenger seat and assisted the female from the concealment area. The female was determined to be an undocumented citizen of Mexico and is now identified as **Irma ROSENDO-Granados (Material Witness)**.

During a videotaped interview Defendant was advised of his Miranda rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he suspected there might be an undocumented alien or drugs in the vehicle. Defendant admitted he was going to receive a monetary payment of approximately \$600.00 USD to drive the vehicle into the United States and deliver it to a parking lot near a Carl's Jr. restaurant in San Ysidro, California.

On a separate videotaped interview, Material Witness declared she is a citizen of Mexico with no legal documents to enter the United States. Material Witness stated she was traveling to Tecomula, California. Material Witness indicated she was to pay unknown smugglers \$3,500.00 USD upon her entry into the United States. Material Witness implicated Defendant, affirming he was present with the vehicle in Tijuana, Mexico at the time she was placed in the concealment area.

EXECUTED ON THIS 1<sup>st</sup> DAY OF February 2008 AT 4:00 PM.

  
Fernando Cerda / CBP Enforcement Officer

On the basis of the facts presented in the Probable Cause Statement consisting of (1) page, I find probable cause to believe that the defendant named therein committed the offense on **February 1<sup>st</sup>, 2008** in violation of Title 8, United States Code, Section 1324.

  
MAGISTRATE JUDGE

 2/2/2008 at 12:15 p.m.  
DATE / TIME